

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND
AMENDMENT FOUNDATION, INC.,

Plaintiffs,

VS.

GURBIR GREWAL, in his official capacity as
the State of New Jersey's Attorney General, et
al.,

Defendants.

Case No. 1:18-CV-637

**DEFENDANT GURBIR S. GREWAL’S RESPONSE TO PLAINTIFFS’ PRELIMINARY
INJUNCTION HEARING QUESTION**

Defendant Gurbir S. Grewal, the Attorney General of the State of New Jersey (the “NJAG”), respectfully submits this response to the question posited by Plaintiffs’ counsel at the close of the Preliminary Injunction hearing that occurred on January 15, 2019. Specifically, Plaintiffs’ counsel asked for a commitment by the NJAG or its counsel whether—in light of the federal law at issue in the *Washington* matter—the New Jersey statute prohibited the mailing of files to residents in New Jersey. *Washington v. U.S. Dep’t of State, et al.*, 318 F. Supp. 3d 1247, 1264 (W.D. Wash. 2018).

Defendant NJAG represents that if files that fall under the definition of “digital firearms information” in Section 3(1)(2) were mailed to a New Jersey resident, that conduct could violate the New Jersey statute. *See* N.J. Stat. Ann. § 2C:39-9 3(1)(2). Based on Defense Distributed’s representations, it is not currently mailing files to New Jersey residents. The NJAG cannot determine whether Defense Distributed’s hypothetical mailings would violate the statute without more information regarding the material being mailed, the recipient, or other questions that may arise. (Second Mot. TRO, Dkt. 66, at 6; Heindorff Decl., Dkt. 65-26, at 44).

DATED: January 18, 2019

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman LLP

BY: /s/ Casey Low

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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2019, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Casey Low

Casey Low